

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

March 4, 2010

A meeting of the Board of Environmental Protection was held on Thursday, March 4, 2010 at the Civic Center, Augusta, Maine. Susan M. Lessard, Chair, called the meeting to order at 09:00 a.m. with the following individuals present:

Board: Wing Goodale, Richard Gould, Don Guimond, Susan M. Lessard, P. Andrews Nixon, Frank Woodard, and Nancy Ziegler

Absent: Elizabeth Ehrenfeld, Matt Scott, Lissa Widoff

Staff: Tom Danielson, Bureau of Land and Water Quality
Hetty Richardson, Bureau of Land and Water Quality
Jeff Madore, Bureau of Remediation and Waste Management

Others: Nancy Macirowski, Assistant Attorney General
Terry Hanson, BEP Administrative Assistant

(Meeting adjourned at approximately 11:30 a.m.)

The Board opened the meeting with a public hearing in the matter of:

(1) CHAPTER 583 USE ATTAINMENT EVALUATION USING NUTRIENT CRITERIA
FOR SURFACE WATERS

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: NONE

B. COMMENTS FROM THE BEP CHAIR:

Chair Lessard explained to Board members that Commissioner Littell needed to address Legislative matters and therefore would not be attending today's meeting.

C. EXECUTIVE ANALYST COMMENTS: None

D. BOARD CALENDAR: Reviewed

E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING: No questions

F. EXECUTIVE SESSION: None

II CONSENT AGENDA ITEMS:

The Board voted (6-0-1-3) on a motion to approve consent agenda item 1 as presented.

The vote was taken pursuant to 38 M.R.S.A. §341-D.

Board members M. Wing Goodale, Richard Gould, P. Andrews Nixon, Susan M. Lessard, Frank Woodard, and Nancy Ziegler voted to support the motion. Board member Don Guimond recused. Board members Elizabeth Ehrenfeld, Matt Scott, and Lissa Widoff were absent.

1. BEP Minutes – November 19, 2009 (approval)

The Board voted (7-0-0-3) on a motion to approve consent agenda items 2 and 3 as presented.

2. MID-MAINE WASTE ACTION CORPORATION, Auburn - Administrative Consent Agreement (BAQ)
3. HUBER ENGINEERED WOODS LLC, Easton - Administrative Consent Agreement (BAQ)

The vote was taken pursuant to 38 M.R.S. §341-D(6).

Board members M. Wing Goodale, Richard Gould, Don Guimond, P. Andrews Nixon, Susan M. Lessard, Frank Woodard, and Nancy Ziegler voted to support the motion. Board members Elizabeth Ehrenfeld, Matt Scott, and Lissa Widoff were absent.

II. Regular Agenda

1. CHAPTER 342 – SIGNIFICANT GROUNDWATER WELLS / NEW (adoption*)

Staff: Hetty Richardson and John Hopeck, Bureau of Land & Water Quality

The Board voted (7-0-0-3) on a motion to adopt new Chapter 342, Significant Groundwater Wells as amended to delete language from Section 7. Public Information Meeting that would require additional notice to municipalities for projects located on a significant sand and gravel aquifer as mapped by the Maine Geological Survey. This regulation establishes guidance for contracting with third party environmental professionals which includes a fee schedule; and requires public informational meetings related to significant groundwater wells.

The vote was taken pursuant to 38 M.R.S. §341-D.(1-B), Public Law 2009, chapter 295 (3) and (4).

Board members M. Wing Goodale, Richard Gould, Don Guimond, P. Andrews Nixon, Susan M. Lessard, Frank Woodard, and Nancy Ziegler voted to support the motion. Board members Elizabeth Ehrenfeld, Matt Scott, and Lissa Widoff were absent.

2. CHAPTER 692, SITING OF OIL STORAGE FACILITIES / NEW (final adoption*)

Staff: Jeff Madore, Bureau of Remediation and Waste Management

The Board voted (7-0-0-3) on a motion to adopt Chapter 692, Siting of Oil Storage Facilities. This new rule implements the wellhead protection provision of statute by setting geographic restrictions on the siting of new aboveground and underground oil storage tanks and facilities. The rule establishes prohibitions on siting within wellhead protection zones and sand and gravel aquifers (mapped by Maine Geological Survey), with some exceptions and variance provisions. The vote was taken pursuant to 38 M.R.S. §341-D(1-B), §1391-1399 and PL 2007, Chapter 569, Section 7.

Board members M. Wing Goodale, Richard Gould, Don Guimond, P. Andrews Nixon, Susan M. Lessard, Frank Woodard, and Nancy Ziegler voted to support the motion. Board members Elizabeth Ehrenfeld, Matt Scott, and Lissa Widoff were absent.

3. CHAPTER 700, WELLHEAD PROTECTION: SITING OF FACILITIES THAT POSE A SIGNIFICANT THREAT TO DRINKING WATER / NEW (final adoption*)

Staff: Jeff Madore, Bureau of Remediation and Waste Management

The Board voted (7-0-0-3) on a motion to adopt new Chapter 700, Wellhead Protection: Siting of Facilities that Pose a Significant Threat to Drinking Water. This regulation protects drinking water resources by restricting the geographic location of certain types of facilities that handle hazardous matter (e.g. automobile body shop/repair facility, automobile graveyards, dry cleaners that use perchloroethylene, metal finishing and plating facilities, and commercial hazardous waste facilities.) The rule sets prohibitions on siting facilities within wellhead protection zones and sand and gravel aquifers, with some exceptions and variance provisions.

The vote was taken pursuant to 38 M.R.S. §341-D(1-B), §1391-1399 and PL 2007, Chapter 569, section 7.

Board members M. Wing Goodale, Richard Gould, Don Guimond, P. Andrews Nixon, Susan M. Lessard, Frank Woodard, and Nancy Ziegler voted to support the motion.

Board members Elizabeth Ehrenfeld, Matt Scott, and Lissa Widoff were absent.

Next Regular Meeting –Thursday, March 18, 2010 – Augusta Civic Center